SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-009298   10/26/2009
CV 2009-020262

                                                    CLERK OF THE COURT
HONORABLE JEANNE GARCIA   C.I. Miller
                                                          Deputy

MARK GORZEN   GREGORY G MCGILL

v.

MARC LOTENBERG, et al.   TODD FELTUS

                                               WILLIAM H DOYLE
                                               JOHN FRIEDEMAN
                                               DANIELLE J VIOLA
                                               THOMAS N O'LEARY
                                               HARRY P FRIEDLANDER
                                               DOCKET-CIVIL-CCC
                                               FILE ROOM-CSC
                                               JUDGE LARRY GRANT

**STATUS CONFERENCE/
CASE CONSOLIDATED**

9:19 a.m.   This is the time set for Status Conference Regarding Defendants Portney's Motion for Case Consolidation in CV2006-020262 and CV2009-020262 and Request for Rule 16 Conference. Plaintiff Mark Gorzen is neither present nor represented by counsel. Plaintiff Nakoolani Gorzen is represented by counsel, Thomas O'Leary. Defendants Lotenberg and 944 Media etc. are represented by counsel, Danielle Viola, by telephone. Defendants Portney are represented by counsel, William Doyle. Defendants Harry Friedlander and Gibson, Matheson, Lallis & Friedlander are represented by counsel, Harry Friedlander, by telephone. Intervenors Nakoolani Gorzen and Thomas O'Leary, Esq. are represented by counsel, John Friedeman.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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The court advised that it did not reject Defendants Portney's Motion to Consolidate even though it did not comply with Maricopa County Local Rule 3.1(c), but decided to have all counsel present to discuss the consolidation and other matters presently at issue in both cases.

Argument is heard regarding Defendants Portney's Motion to Consolidate

Good cause appearing,

IT IS ORDERED granting Defendants Portney's Motion to Consolidate and consolidating CV 2006-009298 and CV2009-020262 **under cause no. CV2006-009298** for all further proceedings.   The court may anticipate a motion to bifurcate for trial to address Defendant Lotenberg's concerns relating to different issues once the trial issues are revealed.

Pursuant to Mr. Doyle's and Ms. Viola's request for an extension of the discovery deadlines and suggestion that due to the consolidation that a new Scheduling Order is needed,

IT IS ORDERED directing Mr. Doyle to confer with all counsel and present a new stipulated Proposed Scheduling Order for the court's review and signature **no later than November 12, 2009**.

Further discussion is held regarding the pending motions in both cases.

Mr. Doyle advises that he has noticed a deposition for Mark Gorzen on November 15, 2009 in the CV2006-009298 case. Mr. Doyle will vacate the November 5th deposition and reschedule same.

The court notes that it will rule on Defendants Portney's Rule 56(f) Motion Regarding Plaintiff's Motion for Summary Judgment in CV2006-009298 and Intervenors' Motion to Supplement Intervention Order Entered June 17 2009 when they are fully briefed.

The court also notes Defendants' 944 Media's Motion to Dismiss in CV2006-009298 is not fully briefed.

IT IS ORDERED directing counsel in CV2006-009298 to provide all counsel in CV2009-020262 with any discovery materials, including Disclosure Statements not filed with the Clerk of Court.

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IT IS FURTHER ORDERED setting a Status Conference for **January 25, 2010, at 11:30 a.m. (30 mins.)**, in this Division ***with all counsel to appear in person at this conference***.

9:44 a.m. Conference concludes.

*   *   *

LATER:

LET THE RECORD REFLECT Mr. McGill's secretary called this Division's Judicial Assistant at 9:33 a.m. to advise that Mr. McGill's calendar reflected the original schedule of 9:30 a.m. and not the rescheduled 9:00 a.m. start time.

The court not formally granting Defendants Portney's Motion to Extend on the record,

IT IS ORDERED granting Defendants Portney's Motion to Extend the Discovery Deadlines due to the granting of the consolidation of the cases.